

TABLE 1

CPSGMHB – PFRS, CASES, HEARINGS and DECISIONS

	'92 ¹	'93	'94	'95	'96	'97	'98	'99	2000	'01	'02	'03	'04	'05 ²	TOTAL
PFRs Filed³	9	10	31	81	40	32	37	23	21	27	22	27	31	43	434
New Cases⁴	6	5	19	28	31	17	16	18	18	23	17	25	26 ⁵	33 ⁶	282
Cases Remanded to Board by the Courts⁷	0	0	0	0	0	0	2 ⁸	1 ⁹	1 ¹⁰	4 ¹¹	2 ¹²	2 ¹³	0	9 ¹⁴	21
Total Cases¹⁵	6	5	19	28	31	17	18	19	19	27	19	27	26	42	303
Hearings held¹⁶	14	10	40	62	45	31	32	38	42	45	50	51	52	82	594
Decisions issued¹⁷	13	11	38	65	39	25	42	32	44	43	28	56	50	79	555

¹ Beginning in May 1992, following initial Board Member appointments.

² As of October 31, 2005.

³ Petitions for Review, includes 6 Petitions for Declaratory Rulings (pdr).

⁴ After PFRs have been consolidated.

⁵ Three cases are still pending, as of 10/31/05. [*1000 Friends V, Duvall Quarry* and *Soos Creek*]

⁶ Ten cases are still pending as of 10/1/05. [*Futurewise II, Gateway, King County IV, Futurewise IV, DOE/CTED, DOC III/IV, KCRP V, Fuhrman III and Camwest III., Strahm*]

⁷ Remands from Supreme Court, Court of Appeals and Superior Courts, where additional proceedings were required by the Board. Counted in year Board remand decision issued.

⁸ *Benaroya I* ('95): [Devoted to Agriculture - Supreme Court] and *Hapsmith* ('95): [Include Board's interpretation in Plan language - Superior Court.] - both closed.

⁹ *Sky Valley/Island Crossing* ('95): [Change UGA to Agriculture - Superior Court] - closed.

¹⁰ *Vashon-Maury/Bear Creek* ('95): [Island UGA or Fully Contained Community - Supreme Court] - closed.

¹¹ *Duwamish/Buckles* ('96): [Rebuttal evidence - Court of Appeals], and *HEAL* ('96): [BAS for policies - Court of Appeals] -both closed. *LIHI I* ('01): [Clarify basis for FDO] and *Ramey-consolidated with MCC* ('99): [Substitution of parties for standing & MCC screenlines - upheld] - closed.

¹² *LIHI I* ('01) and *Ramey* ('99) both closed.

¹³ *Grubb* ('00): [Burden of proof] - closed; *Hensley IV* ('01) [Maltby UGA portion] - closed.

¹⁴ *Bennett* ('01) [Concurrency exemption] - closed; *Forster Woods/Yerkes* ('01) [Forest Protection] - closed; *CTED I* ('03) [CPPs and Goals] - closed; *King County II* ('03) [EPF] - closed; *LIHI II* ('01) [Low Income Regulations] - closed; *King County I* ('01) [CUP process] - closed; *Bridgeport Way* ('04) [Public Participation] - closed; *Bear Creek and FOTL VI* [vested plats issue - resolved in *Quadrant* decision closed]; *Shoreline II* ('00) [PAAs] - pending.

¹⁵ Includes Cases and Court Remand Cases.

¹⁶ Includes prehearing conferences, hearings on motions, hearings on the merits and compliance hearings. Each case has a prehearing conference, occasionally the Board has hearings on motions, each case that is not settled, withdrawn or dismissed has a hearing on the merits, and cases that are remanded for noncompliance have at least one compliance hearing.

¹⁷ Includes ONLY: Orders on Dispositive Motions, Final Decisions and Orders (FDOs), Compliance Orders (includes compliance and noncompliance orders), Orders on Reconsideration and Orders on Court Remand.

TABLE 2

CPSGMHB – DISPOSITION OF CASES¹⁸: 1992 - 2005¹⁹

	'92 ²⁰	'93	'94	'95	'96	'97	'98	'99	2000	'01	'02	'03	'04	'05	TOTAL
Number of Cases Decided²¹	6	5	19	28	31	17	16	18	18	23	17	26	25	33	282
Dismissed²²	2	2	8	11	21	12	7	8	9	11	11	12	9	13	136
Upheld²³	0	1	1	1	6	1	4	7	2	3	2	2	4	2	36
Remanded²⁴	4	2	10	16	4	4	5	3	7	9	4	12	9	8	97
Invalidity²⁵	-	-	-	2	-	2	1	-	4	4	1	9	3	3	29
Sanctions w=withdrawn²⁶	-	-	1w	3w	-	1w	-	-	-	-	-	1w	-	-	6w
Pending²⁷	-	-	-	-	-	-	-	-	-	-	-	-	3	9	12

The Board has **dismissed 48** of its cases. Those cases **upheld** or found to be in compliance account for another **13%**. The remaining cases, or **33%**, were **remanded**. [12 cases are pending.] Invalidity has been employed in approximately 30% of the remand cases. Contingent sanctions or sanctions have been recommended in only 6%, of the remand cases.

¹⁸ Based upon published decisions reported on the Board website: www.gmaboardswa.gov.

¹⁹ As of October 31, 2005.

²⁰ Beginning in May 1992, following initial Board Member appointments.

²¹ Does not include cases remanded from the Courts.

²² Cases withdrawn or stipulated dismissals (57), or dismissed by Order of the Board (79).

²³ Cases where the challenged failed and/or the local government action was found to comply.

²⁴ Cases where the Board found noncompliance with the goals and/or requirements of the Act.

²⁵ Cases that included a determination of invalidity by the Board on at least one of the noncompliant actions.

²⁶ Cases where the Board either recommended sanctions or contingent sanctions. In all cases, the jurisdiction complied with the Act within the compliance period and the recommendation of sanctions was withdrawn.

²⁷ Pending as of October 31, 2005.

TABLE 3

CPSGMHB – DISPOSITION OF COUNTY CASES²⁸: 1992 - 2005²⁹

	'92 ³⁰	'93	'94	'95	'96	'97	'98	'99	2000	'01	'02	'03	'04	'05	TOTAL
Number of Cases Decided³¹	4	4	9	12	13	6	9	12	8	10	5	14	12	8	126 ³²
Dismissed³³	2	1	2	4	9	3	6	6	5	3	3	4	4	4	56
Upheld³⁴	-	1	-	-	2	1	1	3	2	2	-	1	1	0	14
Remanded³⁵	2	2	7	8	2	2	2	3	1	5	2	9	5	2	52
Invalidity³⁶	-	-	-	2	-	1	1	-	1	3	1	6	1	-	16
Sanctions w=withdrawn³⁷	-	-	1w	2w	-	-	-	-	-	-	-	1w	-	-	4w
Pending³⁸	-	-	-	-	-	-	-	-	-	-	-	-	2	2	4

The Board has **dismissed 45%** of its County cases. Those cases **upheld** or found to be in compliance account for approximately **11%**. The remaining County cases, or **41%**, were **remanded**. [3% are pending.] Thirty percent (30%) of the remand cases have involved invalidity; seven percent (7%) have involved contingent sanction or sanction recommendations.

²⁸ Based upon published decisions reported on the Board website: www.gmaboardswa.gov.

²⁹ As of October 31, 2005.

³⁰ Beginning in May 1992, following initial Board Member appointments.

³¹ Does not include cases remanded from the Courts.

³² Additional cases were filed against state agencies or other governmental agencies, consequently totals for county and city cases do not reflect total cases.

³³ Cases withdrawn, stipulated dismissals or dismissed by Order of the Board.

³⁴ Cases where the challenged failed and/or the local government action was found to comply.

³⁵ Cases where the Board found noncompliance with the goals and/or requirements of the Act.

³⁶ Cases that included a determination of invalidity by the Board on at least one of the noncompliant actions.

³⁷ Cases where the Board either recommended sanctions or contingent sanctions. In all cases, the jurisdiction complied with the Act within the compliance period and the recommendation of sanctions was withdrawn.

³⁸ Pending as of October 31, 2005.

TABLE 4

CPSGMHB – DISPOSITION OF CITY CASES³⁹: 1992 - 2005⁴⁰

	'92 ⁴¹	'93	'94	'95	'96	'97	'98	'99	2000	'01	'02	'03	'04	'05	TOTAL
Number of Cases Decided⁴²	2	1	7	16	17	11	7	6	10	13	12	12	13	28	155
Dismissed⁴³	0	1	4	7	11	9	1	3	4	8	8	8	5	9	78
Upheld⁴⁴	0	0	0	1	4	0	3	3	0	1	2	1	3	2	20
Remanded⁴⁵	2	0	3	8	2	2	3	0	6	4	2	3	4	6	45
Invalidity⁴⁶	-	-	-	-	-	1	-	-	3	1	-	-	2	2	9
Sanctions w=withdrawn⁴⁷	-	-	-	1w	-	1w	-	-	-	-	-	-	-	-	2w
Pending⁴⁸	-	-	-	-	-	-	-	-	-	-	-	-	1	7	8

The Board has **dismissed 50%** of its City cases. Those cases **upheld** or found to be in compliance account for only **13%**. The remaining cases, or **29%**, were **remanded**. [8 cases are pending.] Invalidity has been employed in approximately 20% of the remand cases. Contingent sanctions or sanctions have been recommended in only 4%, of the remand cases.

³⁹ Based upon published decisions reported on the Board website: www.gmaboardswa.gov.

⁴⁰ As of October 31, 2005.

⁴¹ Beginning in May 1992, following initial Board Member appointments.

⁴² Does not include cases remanded from the Courts.

⁴³ Cases withdrawn, stipulated dismissals or dismissed by Order of the Board.

⁴⁴ Cases where the challenged failed and/or the local government action was found to comply.

⁴⁵ Cases where the Board found noncompliance with the goals and/or requirements of the Act.

⁴⁶ Cases that included a determination of invalidity by the Board on at least one of the noncompliant actions.

⁴⁷ Cases where the Board either recommended sanctions or contingent sanctions. In all cases, the jurisdiction complied with the Act within the compliance period and the recommendation of sanctions was withdrawn.

⁴⁸ Pending as of October 31, 2005.